

IN THE CLAIMS DELETE

Please delete claims 18-19, 21-25, 44-51, and 53-60 and 62-65 (as numbered by the Examiner), without prejudice.

REMARKS

The Examiner has requested a restriction of the application relative to a number of enumerated species. The original restriction requirement identified 40 species that the Examiner contended comprised the application as a whole, and requested election of a species for prosecution on the merits. Applicant respectfully traversed the basis for the Examiner's restriction requirement, and discussed the traversal in a telephonic interview on March 11, 2002. As was discussed and agreed to by the Examiner, the application actually contains three distinct genera, ⁽¹⁾ one drawn to a device and method for delivering fluids based on pressure differentials, ⁽²⁾ a second drawn to a device and method for controlling the delivery of fluid from a container, ⁽³⁾ and a third drawn to a device and method for releasing a predetermined quantity of fluid from a fluid reservoir to a fluid delivery portion. Accordingly, the Examiner withdrew his original restriction requirement and instead (per the telephone conversation) required election of one of the above three genera. Further, it was requested by the Examiner that Applicant identify the figures and claims that read upon the elected genus.

In response to the Examiner's request for an election of one of the identified genera, Applicant elects the first genus drawn to a device and method for delivering fluids based on pressure differentials. A review of the application shows that Figs. 1, 2 and 4-7(a-e) read upon the elected genus, and that claims 1-17, 20, 26-43, 52 and 61 read upon those figures. It should be noted that some of the claims that read upon the elected genus (i.e., claims 16-17 and 20) additionally read

upon the non-elected second genus drawn to the device and method for controlling the delivery of fluid from a container. Those claims are included with the selected genus simply to illustrate some of the structural limitations that could act as flow-control means, and are claimed in dependent form.


Applicant has additionally deleted claims 18-19, 21-25, 44-51, 53-60 and 62-65 (as renumbered by the Examiner), without prejudice. However, Applicant reserves the right to reintroduce those claims should a generic claim be allowed.

In light of the foregoing, Applicant submits that the application should be in condition for substantive examination at this time. Should anything further be required, a telephone call to the undersigned, at (312) 226-1818, is respectfully invited.

Respectfully submitted,

FACTOR & PARTNERS, LLC

Dated: March 14, 2002



Jody L. Factor
One of Attorneys for Applicant

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on March 14, 2002.

Jody L. Factor

